

HOUSE BILL 3762
By McCord

AN ACT to amend Tennessee Code Annotated, Title 37;
Title 55; Title 63 and Title 68, relative to children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 1, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 68-1-1__.

(a) As used in the section:

(1) "Department" means the department of children's services;

(2) "Health care provider" means all health care providers, establishments or facilities licensed, registered, certified or permitted pursuant to this title or title 63 and regulated either under the authority of the department of health or by any agency, board, council, or committee attached to the department;

(3) "Intoxicant" means a substance that causes a disturbance of mental or physical capacity; and

(4) "Intoxicated" means a disturbance of mental or physical capacity resulting from the introduction of any substance into the body.

(b) Any health care provider who renders care to any patient who appears intoxicated shall:

(1) Ask the patient if minor children reside at the patient's home;

(2) Ask the patient if any minor children were present in any vehicle operated by the patient;

(3) Perform a blood or urine test on the patient; and

(4) Report to the department test results positive for intoxicants.

(c) No healthcare provider shall be liable for:

(1)

(A) Ordering, performing, or interpreting laboratory tests for intoxicants;

(B) Reporting test results to the department of children's services;

(C) Reporting test results to local law enforcement authorities;

provided that the safety of the patient or others requires such reporting; and

(2)

(A) Maintaining a record of findings in the patient's medical records; or

(B) Reporting findings to other health care providers, who may be consulted for additional care of the patient.

SECTION 2. Tennessee Code Annotated, Title 37, Chapter 5, Part 1, is amended by adding the following language as new, appropriately designated section:

§ 37-5-1__.

(a) The commissioner shall develop guidelines of drugs considered intoxicants as defined in title 63, chapter 1, part 1. The guidelines shall apply to any person responsible for any child and to any person operating or riding as a passenger in a motor vehicle transporting a minor child or children.

(b) No later than January 1, 2007, the commissioner shall publish the guidelines on the department's web site and distribute copies to each hospital

administrator and each chairperson of the emergency department of a hospital located in Tennessee.

(c) The department shall investigate reports of drug use by any person who is responsible for the care of a minor in order to protect children in Tennessee.

SECTION 3. This act shall take effect on July 1, 2006, the public welfare requiring it.